

REMARKS

Claims 1, 2 and 4-8 have been examined and have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In the previous Office Action, Applicant amended claims 1, 4, 5 and 7 and cancelled claim 3 to overcome the 35 U.S.C. § 112 rejections recited therein. However, the Examiner has now rejected claims 1, 2 and 4-8 under 35 U.S.C. § 112, second paragraph for different reasons.

The Examiner maintains that claims 1, 5, 6 and 8 suggest more than one aperture structure, rather than one aperture structure that switches its size as it moves from a telephoto end to a wide-angle end. Accordingly, Applicant has amended claims 1, 5, 6 and 8 to clarify that there is only one aperture structure, as requested by the Examiner.

The Examiner has further rejected claim 1 as not reciting enough structure to achieve the claimed function. Therefore, the Examiner requires sufficient structure to be added to the claim in order to overcome the rejection. However, Applicant respectfully disagrees with the Examiner because such amendments would unduly narrow the claim scope. As stated in MPEP § 2173.04, breadth of a claim is not to be equated with indefiniteness. Further, where Applicant has not otherwise indicated that he or she intends the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. §112, second paragraph. Accordingly, Applicant submits that the preamble and body of claim 1 clearly sets forth the scope of the intended invention.

For example, precise details of the zoom lens device are neither relevant nor necessary to the claim, rather, such details are set forth in the specification. Further, amending the claim to

recite additional structure would unduly narrow the claim scope. As it stands, claim 1 clearly sets forth structure necessary for the intended scope of the claim. Nevertheless, Applicant has made a minor amendment to claim 1 to further clarify the structure and how the mode is selected, i.e. a button.

Accordingly, as recited in claim 1, an aperture is smaller at a predetermined zooming step than when the aperture is at other zooming steps, where the predetermined zooming step is between a telephoto end and a wide-angle end of a zoom lens device. Further, the predetermined zooming step is used when a macro shooting mode button, provided on the lens device, is chosen. One skilled in the art would clearly understand the scope of the claim. Also, as required under 35 U.S.C. § 112, second paragraph, there is sufficient interrelation of all recited elements, i.e. the size of the aperture at a predetermined zooming step and how that predetermined zooming step is chosen. Therefore, Applicant submits that claim 1 sets forth sufficient structure.

With further regard to claim 6, the Examiner maintains that the phrase, “sectors that work as a diaphragm,” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Accordingly, Applicant has amended claim 6 to clarify the phrase.

Claims 2, 4 and 7 are rejected under 35 U.S.C. § 112, second paragraph based on their dependence from a rejected claim. In light of the amendments made to claims 1, 5, 6 and 8, Applicant submits that the rejections of such claims are overcome.

All claim amendments made by this Amendment are merely for clarification purposes. They are not made in response to prior art rejections, and do not narrow the scope of the claims.

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Applicant would like to note that the Examiner was contacted by telephone on March 6, 2003, with the proposed claim amendments discussed above. The Examiner indicated that the amendments to claims 1, 5, 6 and 8, made to clarify that there is only one aperture structure, appear to be acceptable. The further proposed amendment to claim 6, which clarifies the function of the sectors, also appears to be acceptable to the Examiner. In regard to the rejection of claim 1 for not providing enough structure, the Examiner indicated that he will consider the amendment once he reviews the formal response. However, the Examiner stated that in order to expedite prosecution during his review of the formal Amendment, the Examiner will contact the undersigned attorney by telephone if further amendments are necessary to claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

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Respectfully submitted,



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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1.(Twice Amended) A zoom lens device comprising an aperture at a predetermined zooming step that is between a telephoto end and a wide-angle end, and a macro shooting button, wherein the aperture is smaller at the predetermined zooming step than [apertures] at other zooming steps, and

wherein the predetermined zooming step is used only when a macro shooting mode for obtaining a close-up of a subject is chosen by activating the macro shooting button.

5.(Twice Amended) A zoom lens device, comprising:

a zoom lens with a plurality of zooming steps;
a choosing device that chooses a macro shooting mode for obtaining a close-up of a subject;

a driving device that moves the zoom lens to a predetermined zooming step that is between a telephoto end and a wide-angle end when the choosing device chooses the macro shooting mode; and

an aperture restricting device that changes [apertures]an aperture according to the zooming steps so that [an aperture, which is at a]when the aperture is at the predetermined zooming step that is between the telephoto end and the wide-angle end, the aperture is smaller [than apertures]than when the aperture is at the other zooming steps.

6. (Once Amended) A zoom lens device, comprising:

a zoom lens;

sectors [that work as a diaphragm]operative to form an aperture; and

an aperture switching device that switches [an]a size of the aperture of the sectors when the zoom lens is moved beyond one of a telephoto end and a wide-angle end.

8.(Once Amended) A zoom lens device comprising:

a zoom lens with a plurality of zooming steps;

means for choosing a macro shooting mode for obtaining a close-up of a subject;

means for moving the zoom lens to a predetermined zooming step that is between a telephoto end and a wide-angle end when the choosing means chooses the macro shooting mode;

and

means for changing [apertures]an aperture according to the zooming steps so that [an aperture at a]when the aperture is at the predetermined zooming step that is between a telephoto end and a wide-angle end, the aperture is smaller than [apertures]when the aperture is at the other zooming steps.